

**AMENDMENT UNDER 37 C.F.R. § 1.115**  
**U.S. APPLICATION NO. 08/474,715**

*A2*

short wavelength; Y represents a mere bond or bridging group; Z represents a group which makes a difference in the diffusivity of the compound represented by  $(DYE - Y)_n - Z$  or releases DYE to make a difference in diffusivity between the released DYE and  $(DYE - Y)_n - Z$  in correspondence or counter correspondence to a photosensitive silver salt having an imagewise latent image; and n represents an integer of 1 or 2, with the proviso that when n is 2, the plurality of  $(DYE - Y)$ 's may be the same or different.

*Concl'd  
JP*

**REMARKS**

In paragraph 15, at page 2 of the Office Action, the Examiner rejected claim 1-9 under 35 U.S.C. § 112, second paragraph. In addition, in paragraph 16, at page 2 of the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph. The Examiner's position is essentially as follows.

1. The language "the external shell thereof" is indefinite and lacks antecedent basis. It is unclear if the grains being referred to by "thereof" are the tabular grains in an amount of not less than 50% or are all of the silver halide grains.

2. Are the grains required to be core/shell type grains.

3. In claim 4, the language, "core grains" is indefinite and lacks antecedent basis. No core grains are previously recited or required.

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The phrase "core grains" is described in the present specification at page 2, lines 4-9, and refers to grains formed as described herein.

In order to clarify the present invention, Applicants have herein amended claim 1 to recite that the silver halide grains are the core/shell type grains. Claim 9 has been similarly amended.

In view of the foregoing comments and amendments, withdrawal of the foregoing rejection is respectfully requested.

In paragraph 17, beginning at page 2 of the Office Action, the Examiner rejected claim 10 under 35 U.S.C. § 103 as being unpatentable over Saitou et al, Yamamoto et al, Hasegawa, or Takahashi.

Applicants have herein cancelled claim 10 from the present application. Accordingly, withdrawal of the foregoing rejection is respectfully requested.

In paragraph 18, at page 4 of the Office Action, the Examiner rejected claims 1, 7, and 8 under 35 U.S.C. § 102(b) as being anticipated by Evans et al. In paragraph 19, at page 5 of the Office Action, the Examiner rejected claims 1, 2, and 7-9 under 35 U.S.C. § 103 as being unpatentable over Evans et al.

Applicants have herein amended the present claims by incorporating claim 3 into claim 1. Applicants have also amended claim 9 by incorporating into claim 9 the internal latent image

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type direct positive photographic silver halide emulsion of claim 1, as amended herein.

In view of the foregoing amendments, withdrawal of the foregoing rejections is respectfully requested.

In paragraph 20, at page 6 of the Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 103 as being unpatentable over Evans et al further in view of Tanemura et al or Shuto et al '719. The Examiner's position is essentially as follows.

1. The Examiner's position concerning Evans et al remains as stated in paragraphs 18 and 19 of the outstanding Office Action.

2. Additionally, Tanemura et al and Shuto et al '719 disclose sulfur compounds of structural formula within the scope of the sulfur compounds of the instant claims for use in preparing internal latent image silver halide grains.

3. As a result, it would have been obvious to use the sulfur compounds of Shuto et al or Tanemura et al with the grains of Evans et al for purposes of providing improved image identifiability and high Dmax, low Dmin, and high contrast.

Applicants respectfully traverse the foregoing rejection and respectfully request reconsideration thereof.

The presently claimed invention provides the effect of improving the "negative sensitivity." Applicants respectfully submit that the combination of cited art does not suggest this

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effect. For example, the Examiner is respectfully referred to the results found in Table 4 on page 106 of the present specification.

|                |                | <u>a Value</u> | <u>b Value</u> | Compound of General Formula<br>(A) |
|----------------|----------------|----------------|----------------|------------------------------------|
| This invention | Sample No. 206 | 0.792 $\mu$    | 0.0825 $\mu$   | Presence                           |
| Evans Pat.     | Emulsion E     | 1.000 $\mu$    | 0.0850 $\mu$   | Absence                            |

Since the cited art does not suggest the improvement of the presently claimed invention in the "negative sensitivity," Applicants respectfully submit that the presently claimed invention is unobvious and patentable over the cited art. Accordingly, withdrawal of the foregoing rejection is respectfully requested.

Early favorable action is earnestly solicited.

In the event that the Examiner believes that it may further the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

Respectfully submitted,

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